HIGH COURT OF CHHATTISGARH AT BILASPUR

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M.A. No. 521 of 2005

Appellants

1. Smt. Asima @ Masima Begam, W/o Late SafikAli, age 36 years.

2. Ku. Jinnat Sahin D/o Late Safik Ali, aged about 17 years, Minor.

3. Ku. Sahiba @ Sabiya Sultan, D/o Late Safik Ali, age 15 years, Minor.

4. Najiya Sultan D/o Late Safik Ali, aged about 12 years, Minor.

5. Gazala Sahin D/o Late Safik Ali, aged about 8 years, Minor.

6. Ku. Rifat Javin D/o Late Safik Ali, aged about 7 years, Minor.

7. Ku. Sahista Naz D/o Late Safik Ali, aged about 3 years, Minor.

8. Ku. Tamanna D/o Late Safik Ali, aged about 7 months, Minor.

All by caste- Musalman, Appellant No.1 Smt. Asima Begam self and minors appellant No. 2 to 8 through their mother and natural guardian appellant No.1.
All resident of village- Pongro, Tehsil Bagicha, District Jashpur, C.G.

Versus

Respondents

1. Smt. Sunita Devi Agrawal, W/o Shri Bajranglal Agrawal, R/o village- Kansabel, Tehsil- Bagicha, District- Jashpur, C.G.

2. Manohar Ram Bhagat S/o Somra Ram, Occupation- Driver, R/o Village- Nariyardand, Tehsil- Bagicha, District- Jashpur, C.G.

3. The New India Insurance Company Ltd. Local Branch Office Raigarh, District- Raigarh, C.G.

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

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Mr. A. K. Prasad, Advocate for the appellants.

Mr. Prashant Jayaswal, Senior Advocate with Shri Ali Asgar, Advocate for the Respondent No.3.

ORAL ORDER

(28th November 2005)

1. The only substantial ground urged by learned counsel for the appellants before us in the course of the argument is that the Tribunal has not assessed loss of dependency correctly by applying correct multiplier. It was highlighted that the deceased on the date of accident and demise was 46 years of age and the appropriate multiplier would have been 13 and not 10 as applied by the Tribunal. The contention of learned counsel is well-founded. The Tribunal having deducted the contribution made by the deceased towards G.P.F. and Group Insurance recorded its finding that the home taking salary of the deceased was a sum of Rs. 5190/- at the relevant point of time. We round it off to Rs. 5200/-. Out of this sum, 1/3rd shall be deducted towards personal expenses of the deceased and if we do so the actual loss of dependency would come to Rs. 3467/- per month. The deceased was 46 years of age on the date of accident and demise and therefore, the appropriate multiplier to be applied for assessing the loss of dependency is 13 and not 10 as has been done by the Tribunal. If we apply multiplier of 13, the total loss of dependency comes to Rs. 540852 (3467 x 12 x 13). In all other respects the impugned award shall remain unaltered. The impugned award shall stand modified accordingly. No costs.

Sd/-
Chief Justice
Judge

Sd/-
Satish K. Agnihotri
Judge